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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,346	07/25/2003	Donald G. Gordy	DUR-104	2326

27014 7590 02/10/2006

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EXAMINER	
FERGUSON, MICHAEL P	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,346	Applicant(s) GORDY ET AL.	
	Examiner Michael P. Ferguson	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *13-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 7-12* is/are rejected.

7)☒ Claim(s) *5 and 6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 November 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 20, 2005.

Claim Objections

2. Claims 1,3,5,7 and 9 are objected to because of the following informalities:

Claim 1 (line 8) recites “the same”. It should recite --the rod--.

Claim 1 (line 13) recites “isolator to”. It should recite --isolator to form said housing--.

Claim 3 (line 4) recites “the same”. It should recite --the housing--.

Claim 5 (line 4) recites “portions fit”. It should recite --have portions fit--.

Claim 7 (line 2) recites “said rod one end”. It should recites --said one rod end--.

Claim 9 (line 2) recites “housing piece isolator receiving cavity”. It should recite --housing isolator receiving cavity--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

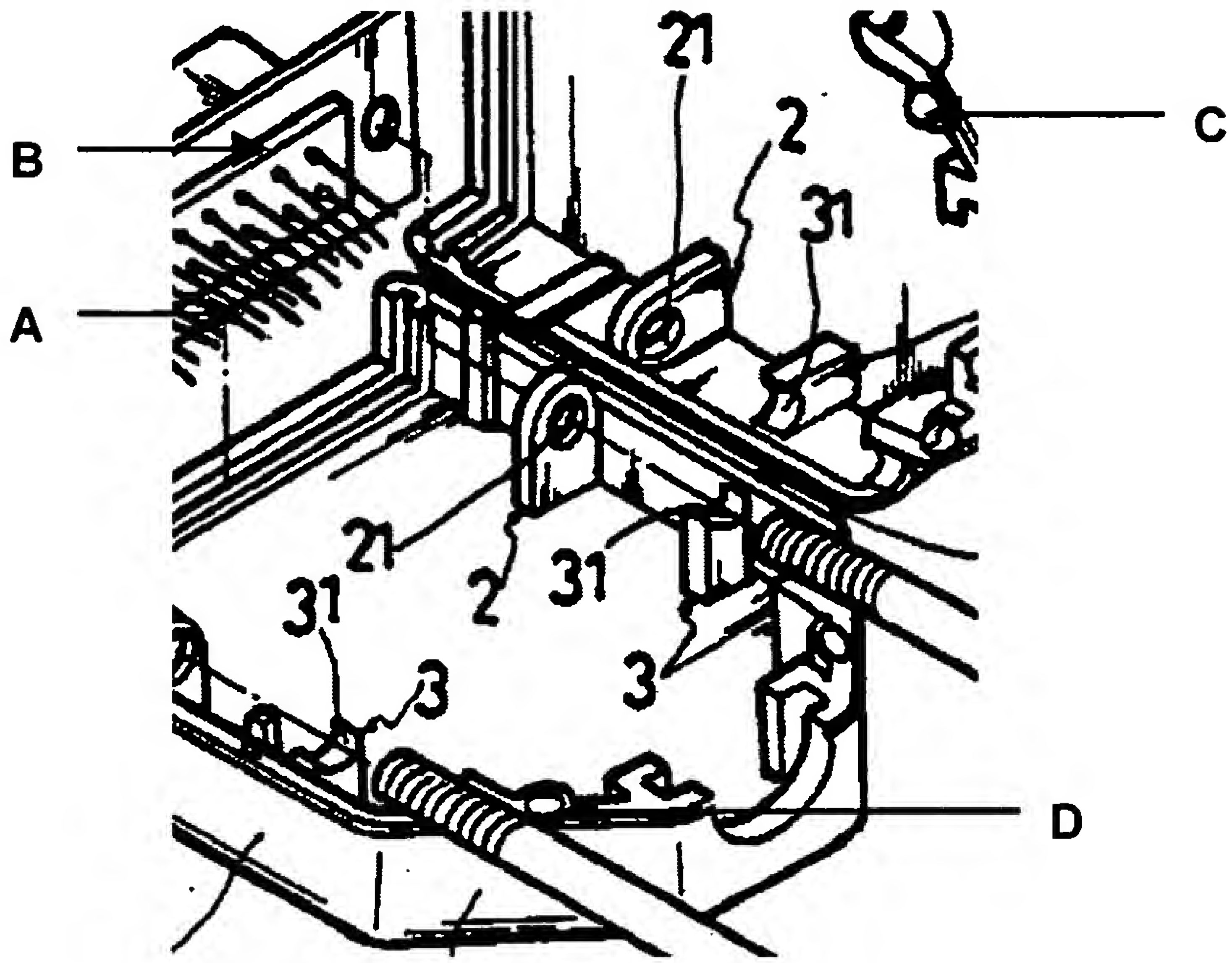
4. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Liaw (US 5,219,242).

As to claim 1, Liaw discloses an arrangement capable of connecting one end of a rod **A** (pins **A**, Figure 2 reprinted below with annotations) to a headed pin **5** to enable establishing a driving connection between the pin and the rod, comprising:

a housing **1** defining a pin receiving cavity formed therein with retention features **2,3** around the cavity adapted to engage a partially spherical (cylindrical) headed portion of the headed pin so as to be retained therein;

a soft elastomeric isolator **B** (isolator **B** non-conductively isolates pins **A**) fit to the one end of the rod to substantially enclose the rod;

the housing comprised of two pieces assembled and affixed together, each piece having an isolator engaging portion generally opposing the isolater engaging portion of the other piece to engage and enclose the isolator to create an interference fit between the housing and the isolator when the two pieces are fixed together in engagement with the isolator to form the housing (Figure 2).



As to claim 2, Liaw discloses an arrangement wherein the housing pieces **1** are joined together by snap fit prongs **C** on one housing piece received in respective receptacles **D** on the other housing piece (Figure 2).

As to claim 3, Liaw discloses an arrangement wherein the housing pieces **1** are connected together with an integral hinge **12** allowing the housing pieces to be swing together into abutment with each other to assemble the hosing, and to be fit over and in engagement with the isolator **B** (Figure 2).

As to claim 4, Liaw discloses an arrangement wherein the housing pieces **1** each have a recess defined therein the recesses together forming an isolator receiving cavity when the housing pieces are assembled abutting each other enclosing and engaging the isolator **B** (Figure 2).

As to claim 7, Liaw discloses an arrangement wherein the isolator **B** is formed over the one rod end.

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 8, Liaw discloses an arrangement wherein the housing pieces **1** are made of a hard plastic.

As to claim 9, Liaw discloses an arrangement wherein the housing isolator receiving cavity has the interference fit with the isolator **B** when the housing pieces **1** are assembled (Figure 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 2, 7, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al. (US 5,613,792) in view of Oellers (US 6,257,563).

As to claims 1 and 7, Terada et al. disclose an arrangement for connecting one end of a rod **1** to a headed pin **11** to enable establishing a driving connection between the pin and the rod, comprising:

a housing **21,41** defining a pin receiving cavity formed therein with retention features **27,28** around the cavity adapted to engage a partially spherical headed portion of the headed pin so as to be retained therein;

the housing comprised of two pieces assembled and affixed together, each piece having a rod engaging portion generally opposing the rod engaging portion of the other piece to engage and enclose the rod to create an interference fit between the housing and the rod when the two pieces are fixed together in engagement with the rod to form the housing (Figures 1 and 2).

Terada et al. fail to disclose an arrangement comprising a soft elastomeric isolator fit to the one end of the rod to substantially enclose the rod, wherein the isolator is molded over the rod end.

Oellers teaches an arrangement comprising a soft elastomeric isolator fit to the one end of a rod to substantially enclose the rod, wherein the isolator is molded over the rod end; the isolator reducing shock and noise transmission from vibration, and reducing wear on the rod connection (column 1 lines 18-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an arrangement as disclosed by Terada et al. to have an isolator as taught by Oellers in order to reduce shock and noise transmission from vibration, and reduce wear on the rod connection.

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on

its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 2, Terada disclose an arrangement wherein the housing pieces **21,41** are joined together by snap fit prongs **45,44** on one housing piece received in respective receptacles on the other housing piece (Figures 2 and 7).

As to claim 8, Terada et al. disclose an arrangement wherein the housing pieces **21,41** are made of a hard plastic.

As to claim 10, Terada et al. disclose an arrangement wherein the retention features **27,28** comprise a prong **27** on each housing piece projecting into the pin receiving cavity and being radially detectable to be able to receive the headed portion **12** on the pin **11** and allow passage of the headed portion on the pin past the prongs, and engaging the headed portion of the pin after passage thereof past the prongs (Figures 1 and 4).

As to claim 11, Terada et al. disclose an arrangement wherein the prongs **27** are each formed with an axially extending wall radially spaced from a core portion of each of the housing pieces **21,41**, and also having a lip projecting inwardly from the wall having a sloping under surface engaged by the headed portion **12** of the pin **11** to cause the radial deflection of the associated prong, and a blunt surface on each of the prongs engaging the headed portion after the headed portion has been inserted past the prongs to retain the pin in the cavity (Figure 4).

As to claim 12, Terada et al. disclose an arrangement wherein a web **28,43** is formed on each housing piece **21,41** extending over the pin receiving cavity on one side to prevent insertion of the pin **11** from the one side (Figures 4 and 7).

Allowable Subject Matter

7. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed November 30, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

> Liaw does not discloses an arrangement comprising a housing defining a pin receiving cavity formed therein with retention features around the cavity adapted to engage a *partially spherical headed portion* of the headed pin so as to be retained therein.

Examiner disagrees. As to claim 1, Liaw discloses an arrangement comprising a housing **1** defining a pin receiving cavity formed therein with retention features **2,3** around the cavity adapted to engage a partially spherical (cylindrical) headed portion of the headed pin so as to be retained therein (Figure 2).

As to claim 1, Attorney argues that:

> Terada et al. do not disclose an arrangement comprising a housing comprised of

two pieces assembled and affixed together, each piece having *an isolator engaging portion generally opposing the isolator engaging portion of the other piece to engage and enclose the isolator to create an interference fit between the housing and the isolator when the two pieces are fixed together in engagement with the isolator to form the housing.*

Examiner disagrees. As to claims 1, Terada et al. disclose an arrangement comprising a housing **21,41** comprised of two pieces assembled and affixed together, each piece having a rod engaging portion generally opposing the rod engaging portion of the other piece to engage and enclose the rod to create an interference fit between the housing and the rod **1** when the two pieces are fixed together in engagement with the rod to form the housing (Figures 1 and 2).

Terada et al. fail to disclose an arrangement comprising a soft elastomeric isolator fit to the one end of the rod to substantially enclose the rod, wherein the isolator is molded over the rod end.

Oellers teaches an arrangement comprising a soft elastomeric isolator fit to the one end of a rod to substantially enclose the rod, wherein the isolator is molded over the rod end; the isolator reducing shock and noise transmission from vibration, and reducing wear on the rod connection (column 1 lines 18-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an arrangement as disclosed by Terada et al. to have an isolator as taught by Oellers in order to reduce shock and noise transmission from vibration, and reduce wear on the rod connection.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPF
02/03/06

Daniel P Stodola

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SUPERVISORY PATENT EXAMINER
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APPROVED
MRJ
2/3/06

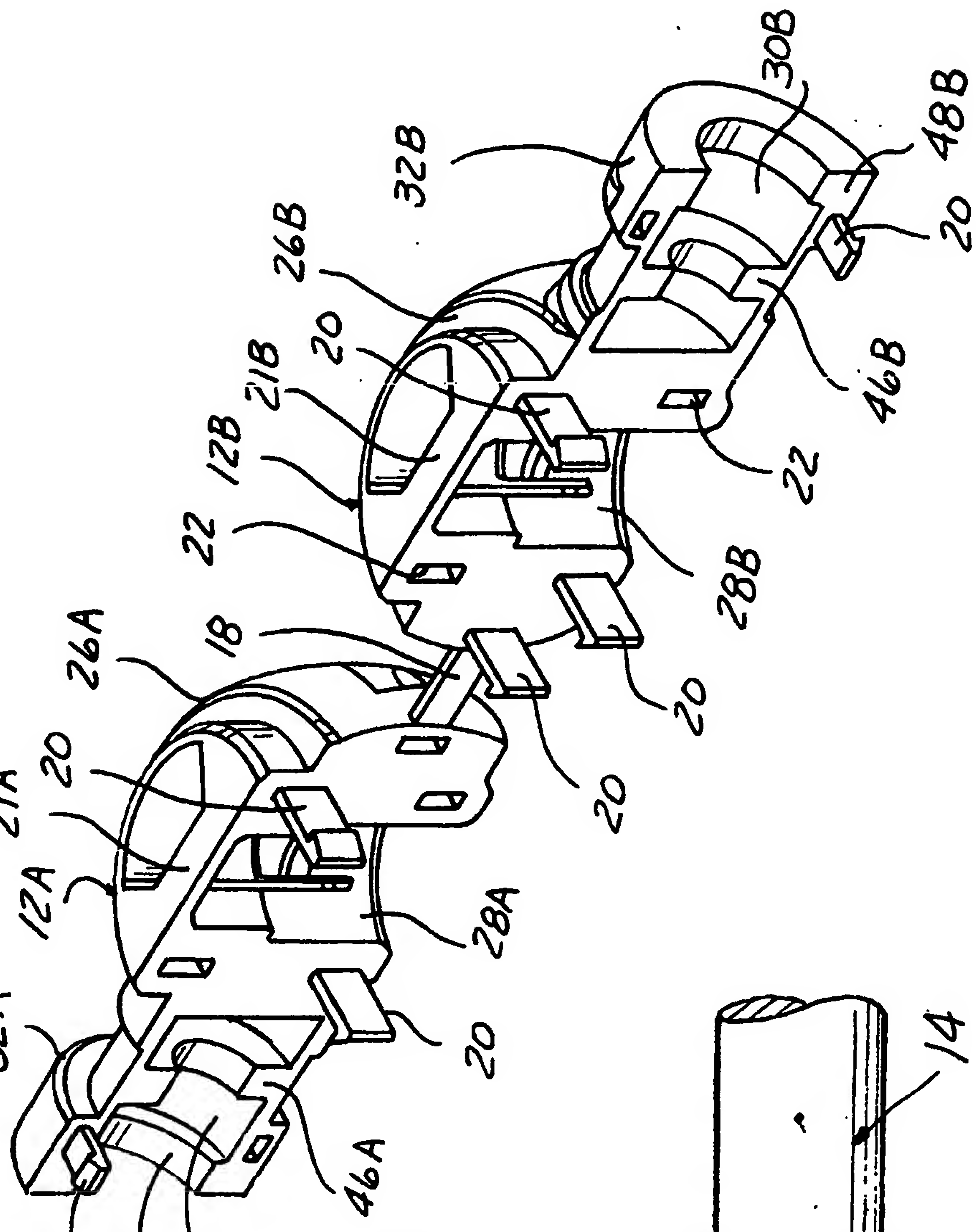

FIG. 3

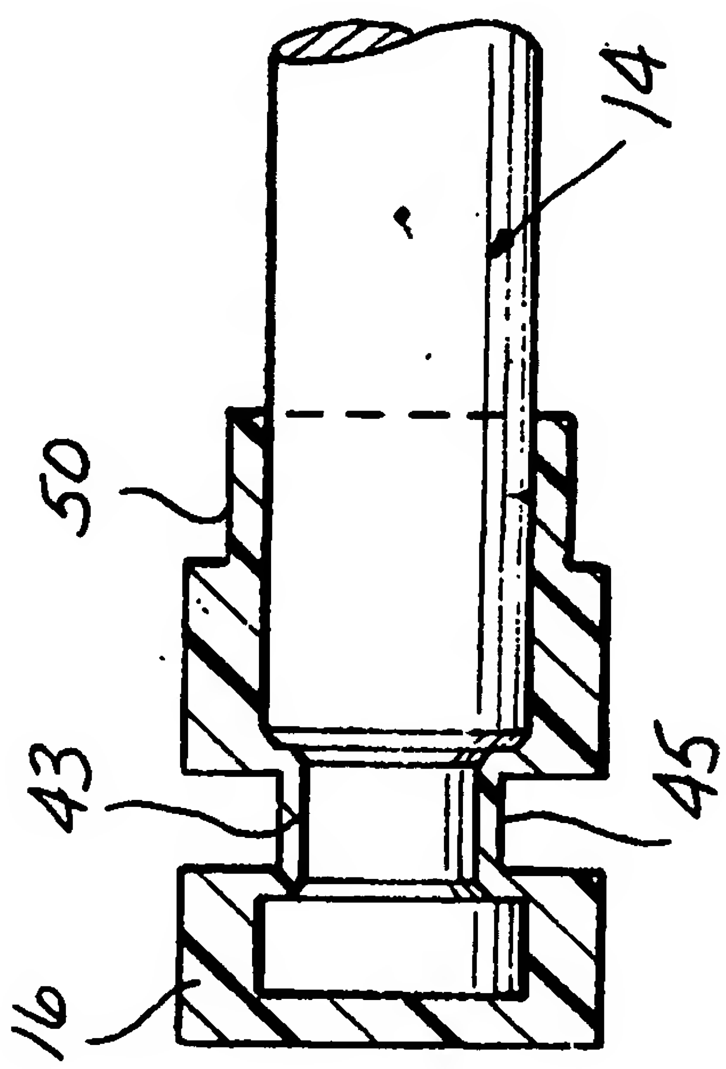

FIG. 10